

Claim Rejections:

Claims 1-8 are all the claims pending in the application, and currently all of the claims stand rejected.

35 U.S.C. § 102(b) Rejection - Claims 1-5:

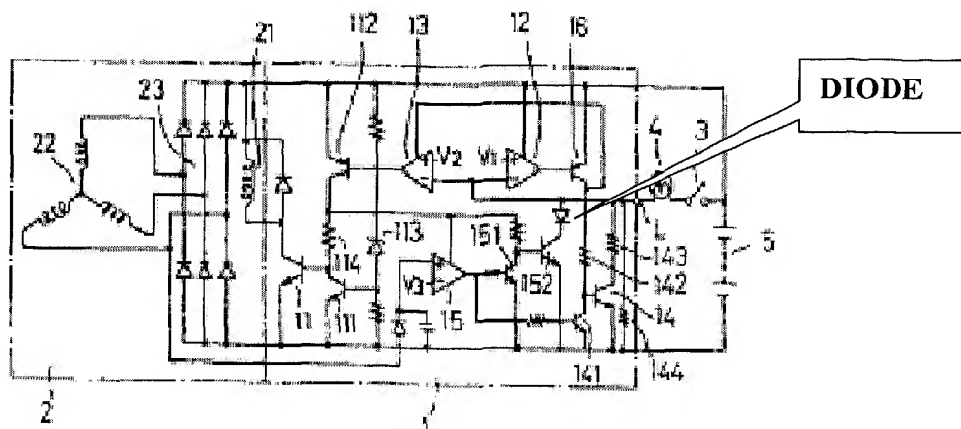
Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. JP 2-36734 to Maruyama et al. In view of the following discussion, Applicant respectfully disagrees.

As recited in the present claim 1, the present invention requires “a resistor for limiting a current flowing through [a] light emitting element disposed between an element within [a] voltage control apparatus for driving [the] light emitting element and [an] input terminal.” *See* claim 1. This feature is not disclosed, taught or suggested by the Maruyama reference.

First, the Examiner asserts that in Maruyama it is the transistor **14** which “is able to drive/affect, indirectly, the light emitting element.” *See* Office Action, dated November 2, 2001, page 3. Applicant disagrees with this characterization of the Maruyama reference. In Maruyama, the transistor **14** is provided for preventing a malfunction when a leak current flows into the L-terminal (preventing a control device from starting an operation erroneously by the flowing of a leak current in the case where an ignition switch is in the off position). Thus, the transistor **14** does not “drive” a light emitting element (i.e. lamp). Maruyama makes it clear that it is the transistor **152** which drives the lamp, it is not the transistor **14** as asserted by the Examiner. *See* Maruyama, page 191, 2nd col., 3rd para.

In fact, Maruyama clearly discusses the circuit constituted by the transistors **14** and **141** and the resistors **142**, **143** and **144**. In Maruyama when a vehicle stops the entire circuit becomes a "leak compensation circuit" so as to avoid starting in error if a leak current flows into the L-terminal. Thus, Maruyama discloses a circuit for compensating the starting/not starting of a vehicle generator if a leak current flows into the L-terminal, and is not related to a circuit for driving a charge lamp (i.e. item **4**). The Maruyama reference uses the leak compensation resistor **143** and a switch means (the transistor **14**) to accomplish this feature. Thus, even if the transistor **14** is removed from the overall circuit disclosed in Figure 1 (of Maruyama) the function of the lamp **4** will not be changed or "affected". As such, Applicant respectfully disagrees with the Examiner's assertion regarding this aspect of Maruyama reference with relation to the present invention, in that the transistor **14** does not "drive/affect" the operation of the lamp **4**.

Additional support for Applicant's position is found in the fact that, in Maruyama, it is disclosed that the charge lamp **4** is turned on through a transistor **152**, and it is the transistor **152** which drives the light emitting element (lamp). See Maruyama, page 191, 2nd col., 3rd para. Maruyama discloses only that a diode is placed between the lamp **4** and the transistor **152**. See Figure 1, of Maruyama (reproduced below for reference). There is no disclosure of any kind of placing a resistor between these elements in the Maruyama circuit as required by claim 1.



In reviewing the Maruyama disclosure, and Figures, it is clear that the diode between the lamp 4 and the transistor 152 fails to provide a current limiting function, as that of a resistor. In fact, the diode is used to ensure that the voltage of the L-terminal be larger than a predetermined value when the transistor 152 is conductive. As shown in Figure 7, of Maruyama, when the L-terminal voltage is detected to be larger than a predetermined value, the transistors 171 and 172 are conductive so that the circuit begins to operate. At this time, even if the diode did not exist, the transistor 152 becomes conductive at the same time when the control unit starts. Then the L-terminal voltage is lowered by lighting the charge lamp 4, at which time it is not possible to keep the transistor 171 conductive.

Therefore, by inserting the diode (shown above), and utilizing a lowered voltage generated by the diode, the L-terminal voltage is ensured to be larger than a predetermined value so as to keep the transistor 171 conductive, even if the transistor 152 is conductive. Similar to Figure 7, in Figures 1 and 4 of Maruyama, a diode is inserted in order to have the same effect (although a comparator 13 is used in Figures 1 and 4 instead of the transistor in Figure 7).

Because Maruyama makes it clear that it is the transistor **152** which is used to drive the lamp **4**, and there is no disclosure, of any kind, or a resistor, or current limiting device, between the transistor **152** and the lamp **4**, Maruyama fails to disclose "each and every" aspect of the claimed invention. Additionally, as set forth in the foregoing discussion regarding the operation of the system in Maruyama, the transistor **14** does not drive/affect the operation of the lamp **4** as required by the present invention, and claimed in claim 1, and as such, can not be properly asserted as satisfying any of the elements set forth in claim 1.

In view of the foregoing discussion, Applicant respectfully submits that Maruyama fails to disclose each and every aspect of the present invention as recited in claims 1, 2 and 4, and hereby requests the Examiner reconsider and withdraw the 35 U.S.C. § 102(b) rejection of these claims. Further, as claim 3 depends on claim 2 and claim 5 depends on claim 4, Applicant submits that these claims are also allowable, at least by reason of their dependency.

35 U.S.C. § 103(a) Rejection - Claims 6-8:

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Maruyama reference in view of the ordinary skill in the art. In view of the following comments, Applicants respectfully traverses the above rejection.

Since claims 6-8 depend on claims 1, 2 and 4, respectively, and because the ordinary skill of the art fails to cure the deficient teachings of Maruyama, with regard to the independent claims, Applicants submits that claims 6-8 are also allowable, at least by reason of their dependency.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/688,350

Our Ref.: Q61020
Art Unit: 2834

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Terrance J. Winkberg
Registration No. 47,177

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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